

REMARKS

By this Amendment, Applicant amends claim 1. Claims 1-8 remain currently pending.

In the Office Action, the Examiner indicated that the information disclosure statement (IDS) filed June 15, 2006, failed to comply with the provisions of 37 C.F.R. § 1.97. The Examiner rejected claims 1-8 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,600,662 to Emmert et al. ("Emmert").¹

Regarding the IDS

The Examiner alleges that "because the abstracts of Foreign Documents JP-10-84406 and JP-8-181404 are not in English, these documents cannot be considered." (Office Action at 2, emphasis original). Applicant respectfully disagrees with the Examiner's allegation and points out that "[w]here the information listed is not in the English language, but was cited in a search report or other action by a foreign patent office in a counterpart foreign application, the requirement for a concise explanation of relevance can be satisfied by submitting an English-language version of the search report or action which indicates the degree of relevance found by the foreign office." M.P.E.P. § 609.04(a)(III).

Applicants have submitted an English language version of Japanese Office Action indicating the degree of relevance found by the Japanese Patent Office in the June 15, 2006 IDS. Therefore, an English language translation of the non-English document should not be required. Applicants respectfully request that the Examiner

¹ The Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicant declines to automatically subscribe to any statement or characterization in the Office Action.

consider the listed documents and indicate that they were considered by making appropriate notations on the enclosed PTO/SB/08 form.

Regarding the rejection under 35 U.S.C. § 102(b)

Applicant respectfully traverses the Examiner's rejection of claims 1-8 under 35 U.S.C. § 102(b) as being anticipated by Emmert. In order to anticipate Applicant's claimed invention under 35 U.S.C. § 102, each and every element of the claim in issue must be found, either expressly described or under principles of inherency, in a single prior art reference. Further, "[t]he identical invention must be shown in as complete detail as is contained in the . . . claim." See M.P.E.P. § 2131, quoting Richardson v. Suzuki Motor Co., 868 F.2d 1126, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989).

Independent claim 1, as amended, recites a combination including, for example, "a connection member extending through the hinge and electrically connected between the first and second circuit boards and having a branched portion electrically connected at least one of the first and second circuit boards to the electric part." Emmert fails to disclose at least these features of amended claim 1.

The Examiner alleges that "Emmert teaches a portable radio communication apparatus comprising: . . . a connection member extending through the hinge and connected between the first and second circuit boards (*Figure 2, whenever presses a button 214, display unit 204 is displaying the output, so a connection member extending through the hinge and connected between the first and second circuit boards*)." (Office Action at 3, emphasis original). Applicant respectfully disagrees.

In Figure 2 of Emmert, "radiotelephone 100 in the open position shows seen top housing 102 hingedly connected to bottom housing 108." Emmert, column 2, lines 9-10.

However, Emmert is silent on any connection member between top housing 102 and bottom housing 108. The Examiner apparently implies that a connection member exists implicitly between display unit 204 and button 214. Even assuming, arguendo, there is a kind of electrical signal path between display unit 204 and button 214, a simple electrical signal path does not constitute “a connection member extending through the hinge and electrically connected between the first and second circuit boards,” as recited in amended claim 1 (emphasis added).

The Examiner also alleges that “Emmert teaches a portable radio communication apparatus comprising: . . . a connection member . . . having a branched portion connected at least one of the first and second circuit boards to the electric part (*Figure 3, a branched portion connected at least one first 790 and second circuit boards 718 to the electric part 706; Col 2, line 66 – Col 3, lines 14*).” (Office Action at 3, emphasis original). Applicant also respectfully disagrees.

In the cited paragraphs, Emmert states that “battery 706 is electrically coupled to the [remainder] of the radiotelephone 100 by a connector 708 which plugs into a suitable receptacle 748 on the logic board 718.” Emmert, column 2, line 67 – column 3, line 3, emphasis added. However, Emmert is silent on any electrical connection between battery 706 and other component except connector 708.

Further, even assuming, arguendo, that there is an electrical connection between battery 706 and logic board 718, Emmert is silent on any electrical connection between battery 706 and outer surface 790. See Figs. 2-3. In fact, outer surface 790 is not a circuit board at all, and both outer surface 790 and the logic board 718 are in the same housing, because Fig. 3 in Emmert is “an exploded view of the bottom housing 108 of

the radiotelephone 100 [that] shows the components of the bottom housing 108.”

Emmert, column 2, lines 8-10, emphasis added. Therefore, Emmert's teaching of a battery installed in a same housing as outer surface 790 and logic board 718 does not constitute “a connection member . . . having a branched portion electrically connected at least one of the first and second circuit boards to the electric part,” where “a first circuit board provided in the first housing; [and] a second circuit board provided in the second housing,” as recited in amended claim 1 (emphasis added).

Therefore, Emmert fails to disclose each and every element of amended claim 1. Emmert thus cannot anticipate amended claim 1 under 35 U.S.C. § 102(b).

Accordingly, Applicant respectfully requests withdrawal of the Section 102(b) rejection of amended claim 1. Because claims 2-5 depend from claim 1, either directly or indirectly, Applicant also requests withdrawal of the Section 102(b) rejection for at least the same reasons stated above.

Further, independent claim 6, while of different scope, includes similar recitations to those of amended claim 1. Claim 6 is therefore also allowable for at least the same reasons stated above with respect to amended claim 1. Accordingly, Applicant respectfully requests withdrawal of the Section 102(b) rejection of claim 6 and claims 7 and 8, which depend from claim 6.

Conclusion

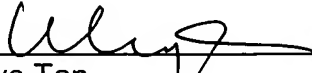
In view of the foregoing amendments and remarks, Applicant respectfully requests reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: March 19, 2007

By: 
Wenye Tan
Reg. No. 55,662

Attachments: **A copy of the postcard receipt for the June 15, 2006, IDS; and**
 A copy of the PTO/SB/08 form filed in the June 15, 2006 IDS